

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
_____ DIVISION

IN RE: _____ (Debtor's Name) Case No. 0__ - _____
Soc. Sec. # XXX-XX-_____

_____ (Debtor's Name) Chapter 13
Soc. Sec. # XXX-XX-_____
Debtor(s)

AFFIDAVIT BY DEBTOR(S) AND NOTICE TO CREDITORS
THAT DEBTOR(S) IS/ARE REQUESTING DISCHARGE AND
CERTIFYING COMPLIANCE WITH 11 U.S.C. SECTION 1328

IMPORTANT NOTICE TO CREDITORS AND PARTIES IN INTEREST:
ANY OBJECTION TO THE ACCURACY OF THIS AFFIDAVIT OR THE DEBTOR'S(S') REQUEST FOR A DISCHARGE MUST BE FILED WITH THE COURT, THE CHAPTER 13 TRUSTEE, DEBTOR'S(S') ATTORNEY, AND THE DEBTOR(S) WITHIN 20 DAYS FROM THE DATE ON WHICH THIS NOTICE WAS MAILED. IF NO OBJECTIONS ARE FILED, THE COURT WILL CONSIDER ENTERING A DISCHARGE ORDER IN THIS CASE WITHOUT FURTHER NOTICE OR HEARING. IF ANY OBJECTIONS ARE FILED, DEBTOR'S(S') ATTORNEY (OR THE DEBTOR(S), IF THERE IS NO ATTORNEY) WILL BE RESPONSIBLE FOR SETTING A HEARING DATE AND TIME WITH THE COURT AND NOTIFYING THE TRUSTEE AND THE OBJECTING PARTIES.

STATE OF VIRGINIA
CITY/COUNTY OF _____

1. The Debtor(s) in this case, having been duly sworn, hereby state(s) the following under oath. **THESE STATEMENTS ARE CERTIFIED BY THE DEBTOR(S) TO BE TRUE AND ACCURATE AS OF THE DATE PLAN PAYMENTS WERE COMPLETED.**

2. The Chapter 13 Trustee has issued a "Notice of Completion of Plan Payments" in my/our case and I/we are requesting the Court to issue a discharge in this case.

3. I/We have completed an instructional course concerning personal financial management as described in 11 U.S.C. section 111. The course was provided by the following entity:

(Name)

(Address)

4. Select either sub-paragraph A. or paragraphs B.1. through B.4:

_____ A. I/we have not been required by a judicial or administrative order, or
by statute, to pay any domestic support obligation [as that terms is defined in 11 U.S.C. section 101(14A)] either before this bankruptcy case was filed or at any time after the filing of this bankruptcy case.

_____ B.1. I/we certify that as of the date of this Affidavit I/we have paid all amounts due under any domestic support obligation [as that terms is defined in 11 U.S.C. section 101(14A)] required by a judicial or administrative order, or by statute, including amounts due either (i) before this bankruptcy case was filed and provided for in the Plan, or (ii) due at any time after the filing of this bankruptcy case. The name and address of each holder of a domestic support obligation is as follows:

(Name) _____
(Address) _____

_____ B.2. My/our most recent address is as follows:

(Address) _____

_____ B.3. The name and address of my most recent employer (for each debtor that owes a domestic support obligation) is:

(Name) _____
(Address) _____

_____ B.4. The following creditors hold a claim that is not dischargeable under 11 U.S.C. section 523(a)(2) or (a)(4) or a claim that was reaffirmed under 11 U.S.C. section 524(c):

(Name) _____
(Name) _____

5. I/we have not received a discharge in a case filed under Chapter 7, 11, or 12 during the four year period preceding the date on which this case was filed.

6. I/we have not received a discharge in a case filed under Chapter 13 during the two

year period preceding the date on which this case was filed.

7. Select either sub-paragraph A., or B.1 and B.2:

_____ A. I/we did not have either at the time of filing this bankruptcy case
or

at the present time equity in excess of \$125,000.00 in the type of property described in 11 U.S.C. section 522(p)(1) [generally, the debtor's(s') homestead].

_____ B.1. There has been no conviction in any proceeding, and there is not currently pending any proceeding, in which I (in an individual case) or either of us (in a joint case) has been or may be found guilty of a felony of the kind described in 11 U.S.C. section 522(q)(1)(A) [circumstances show that the filing of this case was an abuse of the Bankruptcy Code], and

B.2. Neither I (in an individual case) nor either of us (in a joint case) is liable for a debt of the kind described in 11 U.S.C. section 522(q)(1)(B) [securities law violations; civil remedies under 18 U.S.C. section 1964; or criminal, intentional, or reckless misconduct that caused death or serious physical injury to an individual in the past 5 years].

By signing this affidavit, I/we acknowledge that all of the above statements are true and accurate and that the Court may rely upon the truth of each of these statements in determining whether to confirm my/our Chapter 13 Plan. I/we understand that the Court may revoke confirmation of the Chapter 13 Plan if the statements relied upon are not accurate.

Signed:

/s/ _____
Debtor

/s/ _____
Debtor

Subscribed and sworn to before me, a Notary Public, by the debtors named in this affidavit this _____ day of _____, 200____.

/s/ _____
Notary Public

My commission expires: _____

Attorney's Certification

I certify that I am counsel of record for the debtor(s), that I have reviewed this Affidavit with the debtor(s), and that I am filing via first class mail or the Court's CM/ECF system a true copy of this Affidavit with the Court, the Chapter 13 Trustee, and all creditors and parties in interest this _____ day of _____, 200 ____.

/s/ _____
Attorney for debtor(s)

(If debtor(s) not represented by an Attorney): Debtor's(s') Certification

I certify that I am filing via first class mail or the Court's CM/ECF system a true copy of this Affidavit with the Court, the Chapter 13 Trustee, and all creditors and parties in interest this _____ day of _____, 200 ____.

/s/ _____
Debtor

Notes to “Affidavit by Debtor(s) and Notice to Creditors that Debtor(s) Is/Are Requesting Discharge and Certifying Compliance with Requirements of 11 U.S.C. section 1328”

The attached Affidavit is proposed by the Chapter 13 Trustees as a document which will allow the Debtor(s) to comply with the new discharge requirements of 11 U.S.C. section 1328. While this form is not mandatory, it will allow the Debtor(s) to provide the information required by that section without having to appear and testify in person or provide other appropriate documentation. If the Debtor(s) do not file this affidavit with the Court or schedule a hearing at which time the Debtor(s) will present testimony on these issues, the Court Clerk may, after notice to the Debtor(s), close the case without issuing a discharge.